

**REMARKS**

***Status of the Claims***

Claims 1-5, 7-10, 12-15, 17-22, 25-27, 29-32 and 34-43 and 46-48 are pending; claims 6, 11, 16, 23-24, 28, 33 and 44-45 have been canceled; and new claim 49 is added.

In Applicant's Supplemental Amendment of February 27, 2008, claim 1 was amended to be directed to the "intra-operative treatment" by administration of the antibody within four hours prior to surgery and during surgery. New claim 49 has been added to the application to encompass the method which comprises administration of the antibody within four hours prior to surgery, during surgery, or both. Thus claim 49 encompasses the "intra-operative inhibition" of the dissemination of tumor cells which can be performed by a single administration of the antibody within four hours prior to surgery, since the administered antibodies would then still be available in active form in circulation within the patient during the surgical operation, and would thereby inhibit dissemination of the tumor cells, which is the desired effect of the method of the invention. Support for new claim 49 can be found in original claim 1 and original claim 4.

Favorable action and early allowance of the claims are requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson, Registration No. 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 15, 2008

Respectfully submitted,

By 

Leonard R. Svensson  
Registration No.: 30,330  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
12770 High Bluff Drive  
Suite 260  
San Diego, California 92130  
(858) 792-8855  
Attorney for Applicant

Attachments: